

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA)	
)	Criminal No.: 3:00-CR-400-P
v.)	
)	Judge Jorge A. Solis
MARTIN NEWS AGENCY, INC.; and)	
BENNETT T. MARTIN,)	
)	FILED: June 22, 2001
Defendants.)	

MOTION *IN LIMINE* OF THE UNITED STATES
TO EXCLUDE FROM ADMISSION AT TRIAL ALL
EVIDENCE RELATED TO POLYGRAPH TESTS AND RESULTS

The United States moves this Court for a ruling in limine excluding from admission at trial any evidence related to two unsolicited, private, ex parte polygraph examinations administered on July 20, 2000, and September 29, 2000, to Casey N. Martin. The opinion of the polygraph examiners was that Casey Martin was not deceptive in answering “relevant” questions relating to Casey Martin’s involvement in discussions and decisions regarding allocation or division of territories between Ben Martin and Martin News Agency, Inc., and Brian Weiner and Trinity News. Although the defendants have not yet indicated that they intend to introduce evidence of these polygraph tests at trial, the United States anticipates that they might do so.

The United States respectfully requests that this Court find Casey Martin’s polygraph tests inadmissible under Fed. R. Evid. 702 and 403, and enter an Order excluding from admission at trial any evidence related to the polygraph tests taken by Casey Martin. Further, the United States requests that defendant Ben Martin, his counsel, Richard Alan Anderson, and counsel for defendant Martin News Agency, Inc., Michael P. Gibson, be instructed not to make any statement

or reference to these polygraph tests at any time during the trial proceeding. In the alternative, pursuant to Fed. R. Evid. 104, the United States requests that an evidentiary hearing be held under Daubert to establish the invalidity and unreliability of these polygraph tests under Rule 702.

Respectfully Submitted,

SCOTT M. WATSON
Chief, Cleveland Field Office

“/s/”
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CERTIFICATE OF CONFERENCE

This is to certify that the undersigned attorney left a telephone message with Michael P. Gibson, counsel for Bennett T. Martin, and Richard A. Anderson, counsel for Martin News Agency, Inc., on June 21, 2001, advising them of the Motion.

SIGNED this 21st day of June, 2001.

“/s/”

RICHARD T. HAMILTON, JR.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent via Federal Express to the Office of the Clerk of Court on this 21st day of June, 2001. In addition, copies of the above-captioned pleading were served upon the defendants via Federal Express on this 21st day of June, 2001.

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“/s/”

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